THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

–

DATED: 14-09-2005

–

WRIT PETITION No.20206 of 2005

–

–

Between:

Putheti Amritha . . .Petitioner

And

The Govt. of A.P. and others . . .Respondents

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

–

–

WRIT PETITION No.20206 of 2005

–

O R D E R:

The petitioner was selected and appointed as Court Master in the Andhra Pradesh Administrative Tribunal, Hyderabad, against a vacancy reserved in favour of the Scheduled Caste. On 25-07-2001, the social status of the petitioner was suspected and the proceedings were initiated against her under the Andhra Pradesh (Schedule Caste, Schedule Tribe and Backward Classes) Regulation of Issue of Community Certificates Act, 1993, (for short "the Act"). Through an order dated 06-09-2005, the second respondent cancelled the caste certificate issued to the petitioner. Aggrieved thereby, the petitioner preferred an appeal under Section 7 of the Act before the first respondent together with an application for stay. Her grievance is that no orders have been passed in the

application for stay and in the meanwhile, her employer is likely to dismiss her from service apart from initiating other proceedings. This writ petition is filed seeking appropriate directions in this regard.

Heard the learned counsel for the petitioner and the learned Government Pleader for Social Welfare.

The petitioner availed the remedy of appeal provided for under Section 7 of the Act against an order passed under Section 5 of the Act by the second respondent. Sub Section (3) of Section 7 of the Act empowers the appellate authority to pass interim orders, pending disposal of the appeal. The purpose of conferring such powers is to protect the interests of the persons, whose caste certificates were cancelled. If the disposal of the application for stay is delayed and the petitioner is dismissed from service in the meanwhile, the very purpose of preferring the appeal stands defeated.

For the foregoing reasons, the writ petition is disposed of directing that during the pendency of the appeal preferred by the petitioner before the first respondent, the order dated 06-09-2005 passed by the second respondent shall remain suspended.

_____

(L.NARASIMHA REDDY, J)

14th SEPTEMBER, 2005.

kvni